IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5162 OF 2005

Jaywant Trimbak Jagtap : Petitioner

V/s.

Chandrakant Babulal Bhamre & Ors. : Respondents

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Mr.A.M.Joshi i/b. Mr.P.N.Joshi for the petitioner.

Mr.N.R.Bubna for the respondent no.1.

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CORAM : S.A. BOBDE, J.

September 19, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Bubna for the respondent no.1 waives service of rule.

Heard by consent.

2. In view of the admitted facts that no evidence is recorded, the impugned order directing recounting is set aside. The Court shall proceed to consider the application for recounting, after recording evidence and giving reasons. The trial Court is directed to decide the application for recounting, as expeditiously as possible, and in any case, not later than two months from the next

date.

3. The rule is made absolute in the aforesaid terms.

S.A. BOBDE, J.